

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tiedje *et al.*

Serial No.: 10/073,464

Group No.: 1634

Filed: 02/11/2002

Examiner: Bausch, S.

Entitled: **Microbial Identification Chip Based On DNA-DNA Hybridization**

**RESPONSE TO NOTICE OF NON-COMPLIANCE
MAILED DECEMBER 7, 2009**

Mail Stop – Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Bausch:

Please enter the following response on the record in response to the Notice of Non-Compliance mailed December 7, 2009.

The Examiner states that “The claims contain text that is underlined that was previously added”. § 4(E). After close scrutiny, it was apparent that Claim 1(a)(ii) and Claim 9(a)(ii) improperly retained an underlined “comma” immediately following ‘fluorescent dye’. This underlining has been removed in the revised claim set below. Additionally, the close scrutiny also revealed that subparagraphs (c) and (d) of Claim 9 had been inadvertently combined. The Applicants have also reformatted Claim 9 such that subparagraph (d) is now properly recited.

On page two please find amendments to the claims in accordance with 37 CFR § 1.121.